

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED
Aug 21 2008
AUG 21 2008
AUG 21 2008
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

VINCENT NWAFOR
Plaintiff

V.

UNITED STATES OF AMERICAN
Defendant

Case NO. 08 C 3051
(90 CR 0654-2)

Honorable James F. Holderman
Judge Presiding

**Appeals In a Civil Case - Rules 4(a)(1)(A) and 4(c) As
Required By Circuit Rule 3.**

The District Court had jurisdiction pursuant to Title 21 USC 841(a)(1) and 21 USC 846. Jurisdiction of this Court arises pursuant to Title 18 U.S.C.A Rule 41(g), and 28 USC section 1291.

Plaintiff being unschooled in Law request this Court not to hold this Notice Of Appeal on the same standards of a Counseled Litigant. See e.g. Haines V. Kerer, 404 U.S. 519 30 L.ed 2d 652 92 S.ct 594 [1972] [Per Curiam]

This Appeal follows a Minute Order of June 10, 2008, when the Court denied Plaintiff's Motion For Leave To Proceed in Forma Pauperis and subsqntly denied Plaintiff's motion for Return Of Property, because the Clerk of the District Court Alleged the Plaintiff was directed to pay \$39.00 Miscellaneous filing fee, that was never paid.

The Undeniable fact is that this is a matter of the Clerk of the Court's failure to send a notice to Pro Se Plaintiff, instructing him to pay \$39.00 miscellaneous filing fee, as soon as the Leave To Proceed In Forma Pauperis was denied. The failure to notify Plaintiff of the \$39.00 filing fee deprived him of Due Process Of The Law.

A fundamental requirement of Due Process is the Opportunity to be heard; so, an opportunity for a hearing of this motion For Return Of Property is required by Due Process of the Law, and must be granted at a meaningful time and in a meaningful manner. The Government has a Special Responsibility to ensure the integrity of the Civil and Criminal Judicial Process by living up to the Code of Professional Ethics, and Fair play at all times. see U.S. V. White, 222 F.3d 363 (7th Cir. 2000).

The Unique Circumstance involved in this matter is that the L.S.C.I. Allenwood Legal-Mail Log never showed nor Indicated any entry of such mail received at this Federal Institution in the Month Of June, 2008. If this is the Government's way of not willing to respond to the Motion For Return Of Property, then this illegal tactics must not be allowed as a defence in the Court of Law.

However please note, that the Notice of the minute 'Order' of June 10, 2008, whereby the Court denied Plaintiff's Motion for leave to proceed in Forma Pauperis was received on July 25th, 2008.